

Office of the Chapter 13 Standing Trustee

Isabel C. Balboa, Chapter 13 Standing Trustee[†]

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May 28, 2020

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

RE: CHAPTER 13 BANKRUPTCY
CASE NO: 18-24251 (JNP)
DEBTOR NAME: Desmond Hicks

Dear Judge Poslusny:

Please accept this letter as a limited objection to Debtor's Modified Plan and Motion to Suspend Trustee Payments currently scheduled for June 23, 2020 at 10:00 a.m.

Debtor is seeking to extend the term of the plan beyond sixty (60) months. The only basis to do so is through the CARES Act. If Debtor intends to rely upon the Act, Debtor must file a certification asserting the basis for relief as specified in the Act. A sample COVID-19 Certification can be found on the Trustee's website.

The CARES Act permits the term to be extended up to a total of eighty-four (84) months. Debtor is currently twenty-two (22) months into his term. The modified plan proposes to resume payments on March 1, 2020, ten (10) months from the date the modified plan was filed. The modified plan proposes a term of sixty-two (62) months, commencing in March, 2021. That would result in a term of ninety-four (94) months (22 months + 10 months + 62 months), which exceeds the maximum term permitted by the Code and by the Act. In addition, Debtor has not provided current proof of income proving that a modification of the plan payment amount is warranted.

The Certification in Support of the Motion to Suspend Trustee Payments does not state when the suspension of payments will commence. Assuming it will begin in May 2020, Debtor does not address the existing arrears of \$3,963.00 or the fact that Debtor has made only two (2) payments in the past twelve (12) months. The last payment received by the Trustee was on February 11, 2020. The existing arrears would also need to be addressed in the new payment proposed by the modified plan.

Debtor has not demonstrated a basis upon which to suspend payments for nearly a year. His last payment was in February and he is presently three (3) months in default. A ten-month suspension would effectively permit him to suspend payments for a total of thirteen (13) months. The Trustee objects to a suspension of such a duration.

For the reasons stated above, the Trustee objects to the proposed modified plan and to the Motion to Suspend Trustee Payments.

As always, the Court is welcome to contact the Trustee with any questions or concerns.

Respectfully submitted,

OFFICE OF THE CHAPTER 13
STANDING TRUSTEE

/s/ Raymond H. Shockley, Jr.

Raymond H. Shockley, Jr.
Staff Attorney

RHS/kt

Terry Tucker, Esquire (Via ECF/CM)

Desmond A. Hicks (Via regular mail)